

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No.: 08-06016-01-CR-SJ-HFS

OAK MILL, INC.,

Defendant.

Federal Tax I.D. No.: 36-3478188

Mark H. Wissehr, Retained

**JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)**

The defendant pleaded guilty to Counts 7 and 8 of the Indictment on 11/30/2010. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
33 U.S.C. 1319(c)(2)(A)	Toxic and Pre-Treatment Effluent Standards	10/12/2006	7 & 8

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) 1 through 6 are dismissed on the motion of the United States.

IT IS ORDERED that the defendant organization shall notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization shall notify the court and United States attorney of material changes in economic circumstances.

Date of Imposition of Sentence: June 2, 2011

/s/Howard F. Sachs
HOWARD F. SACHS
SENIOR UNITED STATES DISTRICT JUDGE

June 6, 2011

PROBATION

The defendant organization is hereby sentenced to probation for a term of **5 years**.

While on probation, the defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD AND SPECIAL CONDITIONS OF PROBATION

1. The defendant shall pay any fine balance during the first **60 months** of supervision on the schedule set by the Court.
2. The defendant shall pay any restitution balance during the first **48 months** of supervision on the schedule set by the Court.
3. Within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
4. The defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. The defendant organization shall provide the Probation Office with access to any requested financial information.
6. The defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
7. The defendant organization shall not commit another federal, state, or local crime during the term of probation.
8. The defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
9. The defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees.
10. The defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.
11. The defendant organization is restricted from engaging in conduct which conceivably involves the disposal, emission, and/or production of any chemical or element, or conduct which might otherwise contribute to environmental pollution.
12. The defendant organization shall permit a probation officer to visit the organization at any of its operating business sites.
13. The defendant organization shall submit its premises to a search, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

ACKNOWLEDGMENT OF CONDITIONS

I have read or have had read to me the conditions of supervision set forth in this judgment and I fully understand them. I have been provided a copy of them.

I understand that upon finding of a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

Defendant

Date

United States Probation Officer

Date

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

Total Assessment

\$800.00

Total Fine

\$50,000.00
(\$25,000.00 EACH COUNT)

***Total Restitution**

\$4,000.00

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

Fines of \$25,000 are imposed on Counts 7 and 8, for a total of **\$50,000.00**. A lump sum payment of the full amount is ordered due immediately. If unable to pay the full amount immediately, the defendant shall make monthly payments of \$750.00, while on probation.

Since the Court finds that the defendant does not have the ability to pay interest, any interest is waived.

Fine payments should be made jointly and severally with Robert Arundale, Case No. 08-0616-02-CR-SJ-HFS.

It is further ordered that **\$4,000** in restitution is imposed. A lump sum payment of the full amount is ordered due immediately.

If unable to pay the full amount immediately, the defendant shall make monthly payments of \$100, while on probation.

Restitution shall be paid to the following person in the following amount: \$4,000

City of St. Joseph, Missouri
ATTN: Ted Elo, Assistant City Attorney
1100 Frederick Avenue, Room 307
St. Joseph, MO 64501

All payments shall be made through:

Clerk of the Court
United States District Court
400 East 9th Street, Room 1150
Kansas City, MO 64106

Since the Court finds that the defendant does not have the ability to pay interest, any interest is waived.

Restitution payments should be made jointly and severally with Robert Arundale, Case No. 08-0616-02-CR-SJ-HFS.

The defendant shall notify, within 30 days, the Clerk of the Court and the United States Attorney's Office, Financial Litigation Unit, 400 East 9th Street, Room 5510, Kansas City, MO 64106 of: 1) any change of name, residence, or mailing address; and 2) any material change in economic circumstances that affects the ability to pay restitution.

All money paid by the defendant shall first be applied to satisfy the order of restitution.

It is further ordered that the defendant shall pay to the United States a special assessment of **\$800**, which shall be due immediately.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Note: Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.